

2018 IL App (2d) 180027-U
No. 2-18-0027
Order filed October 5, 2018

NOTICE: This order was filed under Supreme Court Rule 23 and may not be cited as precedent by any party except in the limited circumstances allowed under Rule 23(e)(1).

IN THE
APPELLATE COURT OF ILLINOIS
SECOND DISTRICT

<i>In re</i> THE MARRIAGE OF)	Appeal from the Circuit Court
HEIDI G. JACHIM,)	of Du Page County.
)	
Petitioner and,)	
Counterrespondent-Appellee)	
)	
and)	No. 15-D-1141
)	
RONALD E. JACHIM,)	
)	Honorable
Respondent and)	Robert E. Douglas,
Counterpetitioner-Appellant.)	Judge, Presiding.

JUSTICE SPENCE delivered the judgment of the court.
Justices Jorgensen and Schostok concurred in the judgment.

ORDER

¶ 1 *Held:* The trial court did not abuse its discretion in dividing the parties' marital assets, as the record showed that the court considered the encumbrances on the investment properties that it awarded to respondent and thus appreciated their impact on the value of his share of the assets.

¶ 2 The trial court dissolved the marriage of respondent, Ronald E. Jachim, and petitioner, Heidi G. Jachim. As part of the judgment, the court awarded several investment properties to respondent. He appeals, contending that the court's valuation of those properties failed to

account for liens and third-party ownership interests, resulting in respondent's receiving a lower percentage of the marital estate than the court intended. We affirm.

¶ 3 The court found that, given the disparity in their incomes, a 60/40 split of the marital assets in the petitioner's favor was appropriate. The judgment lists numerous items of marital property, including several investment properties. The trial court's letter opinion values them as follows:

2120 W. 21st, Chicago	\$190,000
4641 Linscott, Downers Grove	\$183,000
6146 Essex, Willowbrook	\$175,000
101 W. 22nd, Lombard	\$770,000
4609 Prospect, Downers Grove	\$470,000

¶ 4 The last-listed property was the marital residence, which the court awarded to petitioner. Part V(3) of the judgment awards the others, and an additional property in Colorado, to respondent "based upon the Jachim's [*sic*] ownership interest." The court found that the properties had "a combined equity of \$299,285.66."

¶ 5 Both parties filed postjudgment motions. Respondent's motion argued that the court's valuation of the properties failed to account for mortgages and other ownership interests. The court denied the motion, stating that it did consider these interests. Respondent timely appeals.

¶ 6 Respondent contends that all of the properties he received were encumbered to some extent. For example, 2120 W. 21st is mortgaged, with an outstanding principal balance of \$46,033 while 4641 Linscott has a balance of \$123,117. Moreover, respondent owns only 66% of the property at 6146 Essex. Respondent contends that these factors significantly reduce the

value of the properties awarded to him. This in turn results in a split of the marital property closer to 75/25 than the 60/40 that the court intended.

¶ 7 The trial court has broad discretion in the division of marital assets. *In re Marriage of Sawicki*, 346 Ill. App. 3d 1107, 1113 (2004). We will reverse a trial court's division only where it constitutes an abuse of discretion. *Id.* An abuse of discretion occurs only when no reasonable person would take the trial court's view. *In re Marriage of Wojcik*, 362 Ill. App. 3d 144, 161 (2005).

¶ 8 Part V(3) of the judgment states that the award was based upon the parties' ownership interest and their "combined equity." Indeed, the total gross value listed for 2120 W. 21st, 4641 Linscott, and 6146 Essex was \$548,000. Yet the court found that the "combined equity" for these properties plus the Colorado property was only \$299,285.66. This clearly supports the court's statement that it awarded the properties based on their net value. We thus presume that the court intended the resulting split of the marital property.

¶ 9 To the extent that respondent is challenging the court's valuation of these properties as a factual matter, we cannot reach that issue because we do not know what evidence the court considered. The record on appeal does not contain a transcript of the proceedings or an acceptable substitute. See Ill. S. Ct. R. 323 (eff. July 1, 2017). The appellant has the burden to present a sufficiently complete record of the trial court proceedings to support any claim of error. *Foutch v. O'Bryant*, 99 Ill. 2d 389, 391-92 (1984). In the absence of such a record, we presume that the court's order had a sufficient factual basis. *Id.* at 392. Any doubts arising from an incomplete record will be resolved against the appellant. *Id.* Because we do not know how the court arrived at its valuations, we cannot say that they were unsupported by the evidence.

¶ 10 The judgment of the circuit court of Du Page County is affirmed.

¶ 11 Affirmed.